

DEPARTMENT OF BENEFIT PAYMENTS

774 P Street, Sacramento 95814



March 9, 1976

ALL-COUNTY LETTER NO. 76-43

TO: ALL COUNTY WELFARE DIRECTORS

OBsolete

Superseded by

ACL # 77-15

Issued

3-12-77

SUBJECT: DETERMINATION OF FILING DATES AND THE COMPUTATION OF TEN-DAY PERIODS

REFERENCE:

MPP Section 22-001.3 provides in part that "The filing date of the claimant's request for a fair hearing is the date he mails, or otherwise submits such request to the Office of the Chief Referee...."

In interpreting this provision, the Office of the Chief Referee (OCR) will employ the following guidelines:

1. If the request is filed with a county which has been authorized by the Office of the Chief Referee to receive hearing requests pursuant to MPP Section 22-001.32, the filing date is either the date of the postmark if the request is mailed to the county or the date the request is stamped received by the county if the request is walked in.
2. If the request is mailed to the Office of the Chief Referee, the filing date is the date of the postmark.
3. If it cannot be established by guidelines 1 or 2, the filing date is the date that the request is signed.
4. If it cannot be established by guidelines 1, 2, or 3, the filing date will be three days earlier than the date the request is stamped received by the Office of the Chief Referee.


These guidelines will not be binding on referees if there is evidence that a request was filed on a different date.

Counties authorized pursuant to MPP Section 22-001.32 to receive requests for a fair hearing should date stamp all such requests. If the request is mailed to the county, the county shall forward to OCR a copy of the envelope in which the request was mailed. Questions concerning specific cases should be referred to the Office of the Chief Referee [(916)-322-2797].

Except as otherwise provided in MPP Section 22-022.2, MPP Section 22-022.1 requires that the county mail to the person affected at least 10 days prior to the effective date of the action, notice on an ABCD 239. In the case of a discontinuance, termination, suspension, withhold of aid, or reduction, aid and/or service will be continued without change until a hearing if the request for hearing is made within the 10-day period.

The 10-day period will be computed by excluding the date of mailing and last day. Thus, if the notice was sent on January 15, the first day it could take effect (unless the exceptions of MPP Section 22-022.2 apply) would be January 27. If January 27 were a holiday and January 28 was not, the first day the notice could take effect would be January 28.

The term "holiday" is defined in Section 7 of the Civil Code to include Sundays and holidays listed in the Government Code.



WILLIAM J. KURTZ
Chief Deputy Director

cc: CWDA